IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.2282 OF 2007

IN

NOTICE OF MOTION NO.1483 OF 2007

IN

SUIT NO.1008 OF 1993

Asgar Ali Akbar ...Plaintiffs

Versus

Smt.Musrat Farhad Jahan & Ors. ...Defendants

.....

Mr.A.R.Pande for Defendants/Applicants.

Ms.S.S.Sarkar for Plaintiffs.

.....

CORAM: A.M.KHANWILKAR, J.

JULY 4, 2007.

P.C.

1. Without going into the controversy about the factum of service which is raised in the present Motion, in my opinion, interest of justice would be subserved by allowing this Motion in terms of prayer clause (a) and directing the Notice of Motion No.1483 of 2007 to be placed for hearing

afresh to be decided on its own merits.

2. The Defendants/Applicants will be free to file reply affidavit to the said Notice of Motion No.1483 of 2007 within two weeks from today. Rejoinder to the said proposed reply affidavit be filed within one week thereafter.

3. Restored Notice of Motion No.1483 of 2007 be placed for hearing on 16th August 2007 which will be decided on its own merits in accordance with law. Ordered accordingly.

A.M.KHANWILKAR, J.